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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERNEST C. WHEELER

Plaintiff,

v.

MICHAEL CHERTOFF

Defendant.

No. C 08-01738 SBA (EDL)

ORDER GRANTING REQUEST
TO EXCUSE ATTENDANCE
AT SETTLEMENT CONFERENCE

On July 27, 2009, this Court set a settlement conference in this matter for September 3, 2009. By letter dated July 28, 2009, Defendant's counsel requested that agency representative Lynda Pilgrim, Senior Trial Attorney, be excused from personally appearing at the settlement conference based on her prior work commitments and her residence near Washington, D.C. Counsel stated that Ms. Pilgrim would be available by telephone for the duration of the conference. Plaintiff's counsel has informed the Court that Plaintiff believes that Ms. Pilgrim's personal appearance would be more conducive to settlement.

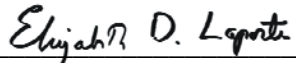
Settlement conferences are more effective when party representatives appear in person. However, the Court reluctantly excuses Ms. Pilgrim from personally attending the settlement conference in light of her serious scheduling issues and the relatively short notice from the Court setting the conference. If the Court concludes that the absence of Ms. Pilgrim is interfering in any way with the settlement conference, the Court may continue the settlement conference and may order

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2 personal attendance by each party including Ms. Pilgrim.

3 **IT IS SO ORDERED.**

4 Dated: August 6, 2009



ELIZABETH D. LAPORTE
United States Magistrate Judge

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